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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL THE COURT'S
ORDER EXCLUDING MICHAEL
WAGNER, RESTRICTING USE OF
FINANCIAL EVIDENCE AT TRIAL,
AND DENYING OTHER RELIEF
(DKT. 2166)**

Pursuant to Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC submit this motion for an order to file under seal the Court's Order Excluding Michael Wagner, Restricting Use of Financial Evidence at Trial, and Denying Other Relief (Dkt. 2166). Specifically, Defendants request an order granting leave to file under seal the following confidential documents:

Document	Portions to Be Filed Under Seal	Designating Party
Order Excluding Michael Wagner, Restricting Use of Financial Evidence at Trial, and Denying Other Relief ("Order")	Blue Highlights	Defendants

The blue highlights on pages 11 and 12 in Section 1.A.3 of the Order contain highly confidential information regarding a business agreement, including detailed financial terms of the agreement. This information is not publicly known and its confidentiality is strictly maintained. Disclosure of this information could allow competitors and counterparties to gain insight into how Uber structures its business agreements, including detailed information about financial terms offered by Uber, allowing them to tailor their own negotiation or business strategy to the detriment of Uber. (Declaration of Thomas J. Pardini in Support of Defendants' Administrative Motion to File Documents Under Seal ("Pardini Decl.") ¶ 3.)

The blue highlights in Section 1.A.4 on the bottom of page 12 discuss highly confidential information from internal Uber projections relating to future LiDAR costs and units. This information is not publicly known and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to gain insight into how Uber analyzes the self-driving car and LiDAR markets, such that they could tailor their development to counter Uber. Uber's competitive standing could be harmed. (Pardini Decl. ¶ 4.)

Because Plaintiff Waymo LLC has until 11 p.m. to propose additional redactions of its confidential information under the Court's Order Re Sealing of Order Excluding Michael Wagner, Restricting Use of Financial Evidence at Trial, and Denying Other Relief (Dkt. 2167),

1 only a sealed version of the Order with Defendants' proposed redactions accompanies this
2 Administrative Motion.

3 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
4 documents at issue, with accompanying chamber copies.

5 Defendants served Waymo with this Administrative Motion to File Documents Under
6 Seal on November 3, 2017.

7 For the foregoing reasons, Defendants request that the Court enter the accompanying
8 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
9 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
10 ATTORNEYS' EYES ONLY."

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12 Dated: November 3, 2017

MORRISON & FOERSTER LLP

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14 By: /s/ Arturo J. Gonzalez
ARTURO J. GONZALEZ

15 Attorneys for Defendants
16 UBER TECHNOLOGIES, INC. and
17 OTTOMOTTO LLC
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